

GUERARD, KALINA & BUTKUS

ATTORNEYS AT LAW

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MARK G. PATRICOSKI

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TELEPHONE (630) 665-9033  
TELECOPIER (630) 690-9652

WRITER'S DIRECT EXTENSION: 17

December 30, 2002

Mr. Richard Bernet  
EXELON  
Legal Services  
10 South Dearborn Street  
35<sup>th</sup> Floor  
Chicago, IL 60603  
VIA FACSIMILE 312-394-3950 and Regular Mail


Re: Jays Foods vs. Commonwealth Edison  
Illinois Commerce Commission Complaint 2002-328175

Dear Mr. Bernet:

In response to your letter of today, I enclose a copy of our Engineer's response to the same. This should resolve the questions you have regarding the replacement of the miniature pilot light transformers. We previously provided pictures of the mini-transformers so that you could see (from a non-technical standpoint) that these have no significance to what we are dealing with here. These mini-transformers simply reduce the power to the pilot lights. When the lights were out, it was determined that the transformers were bad / non-operative and were replaced. This has no connection to the over-billing by ComEd. I will talk to you regarding conclusion to this claim on Thursday the 2<sup>nd</sup>.

Very Truly Yours,

GUERARD, KALINA & BUTKUS



Mark G. Patricoski  
MGP/jmd  
Encls.

PART 4

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# LaSalle Associates, Inc.

[www.lasallecogen.com](http://www.lasallecogen.com)

P.O. Box 2878, Glen Ellyn, IL 60138 (630) 858-8110, Fax (630) 469-8688, [lasallecogen@aol.com](mailto:lasallecogen@aol.com)

December 30, 2002

Mr. Mark Patricoski  
Guerard, Kalina and Butkus  
100 W. Roosevelt Rd.  
Suite A-1  
Wheaton, IL 60187

RE: Jays Foods LLC v. ComEd, ICC Complaint No. 2002-328175

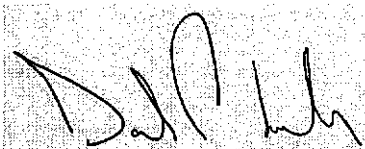
Dear Mark:

In response to Mr. Bernet's most recent letter, the pilot light transformers were replaced because they were faulty. When a potential phase to ground was being checked (one or more pilot lights not illuminated) two pilot lights were observed not lit. The cause was not a phase ground, or faulty light bulbs, but faulty (open circuit) pilot light transformers. The transformers were replaced and the pilot lights illuminated confirming a normal condition (no phase to ground).

The only other electrical work performed at Jays in the last sixty days is the change-out of the faulty meter by ComEd.

On a side note, the demand charge billed to Jays is based on a kW reading on the meter that lasts at least 30 minutes and is averaged from three different readings taken on different days of a billing period. A fault occurs for a very short period of time (seconds) before a fuse blows or a breaker trips. Not only is there no evidence of a fault condition, but even if there were, it would have NO impact on the over-billing error.

Very truly yours,



David Patricoski, President  
LaSalle Associates, Inc.

Legal Services  
Business Services Company  
10 South Dearborn Street, 35<sup>th</sup> Floor  
Chicago, IL 60603

Telephone 312-394-5400  
Fax 312-394-3950  
www.exeloncorp.com

Mail To: P.O. Box 805379  
Chicago, IL 60680-5379

**Writer's Direct Contact Information**

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Facsimile: (312) 394-3950

E-mail: [richard.bernet@exeloncorp.com](mailto:richard.bernet@exeloncorp.com)

December 30, 2002

**Via Facsimile 630-690-9652**

Mark Patricoski

Guerard, Kalina and Butkus

100 W. Roosevelt Rd.

Suite A-1

Wheaton, IL 60187

**RE: Jay Foods LLC v. Commonwealth Edison Company  
ICC Informal Complaint No. 2002-328175**

Dear Mr. Patricoski:

I am in receipt of your December 26<sup>th</sup> e-mail and December 27<sup>th</sup> letter with attached letter from LaSalle Associates. I plan to review this additional information with Commonwealth Edison technical personnel; however, in light of the holidays, they will not be available to discuss this matter with me until late this week or early next week. Your correspondence does not fully respond to my December 19<sup>th</sup> letter as to why the equipment was replaced or whether any other work had been performed on Jays' electrical system in the last 60 days. I await your response. I take your response to mean that you have now provided me with all data that supports Jays' claim.

Finally, your client's complaint has been pending for only a short time and Commonwealth Edison is proceeding with its investigation as to the cause of the increased demand with appropriate dispatch. We are confident that the Illinois Commerce Commission or a court would not find otherwise.

Sincerely,



Richard G. Bernet  
Assistant General Counsel, Regulatory

**Mark G. Patricoski**

---

**From:** "Mark G. Patricoski" <mpatricoski@ameritech.net>  
**To:** <richard.bernet@exeloncorp.com>  
**Cc:** <DTPat@aol.com>; <LaSalleCogen@aol.com>  
**Sent:** Thursday, December 26, 2002 10:54 AM  
**Attach:** Mark1.doc  
**Subject:** Jays Foods V. ComEd (ICC 2002-328175)

December 26, 2002

Mr. Richard Bernet  
Exelon - Legal Dept.  
(Via E-Mail, Fax and Regular Mail)

Re: Jays Foods 2002-328175

Dear Mr. Bernet:

Attached to this e-mail is a response from the engineering firm of LaSalle Associates and Jays Foods regarding your 12/19/02 letter. Please review and contact the undersigned as quickly as possible to resolve this matter. If a meeting of the experts (engineers) on each side would be helpful in resolving this matter, we would be happy to arrange for the same. I look forward to hearing from you.

Mark G. Patricoski, Attorney  
630-665-9033 x 17.

----- Original Message -----

**From:** <LaSalleCogen@aol.com>  
**To:** <rlowrance@jaysfoods.com>; <mpatricoski@Ameritech.Net>  
**Sent:** Monday, December 23, 2002 1:35 PM  
**Subject:** (no subject)

> Mark,  
>  
> Please find attached a letter I assembled in regard to the "transformer"  
> issue at Jays. Rex supplied me with good information which I used in the

12/26/2002

> letter. You may want to use this letter to respond to ComEd. Let me know  
> if  
> you want me to modify it in any way.  
>  
> Very truly yours,  
>  
> David Patricoski  
> President  
> LaSalle Associates, Inc.  
> P.O. Box 2878  
> Glen Ellyn, IL 60138  
> 630-858-8110  
> fax-469-8688  
> email: [LaSalleCogen@aol.com](mailto:LaSalleCogen@aol.com)  
> [www.lasallecogen.com](http://www.lasallecogen.com)  
>

**Mark G. Patricoski**

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Very truly yours,

David Patricoski  
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Glen Ellyn, IL 60138  
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12/26/2002

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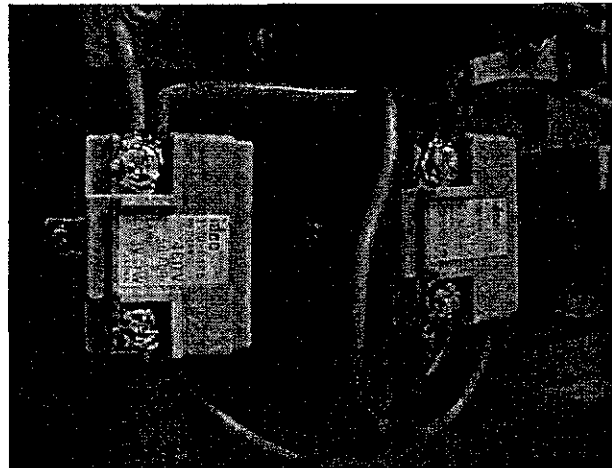
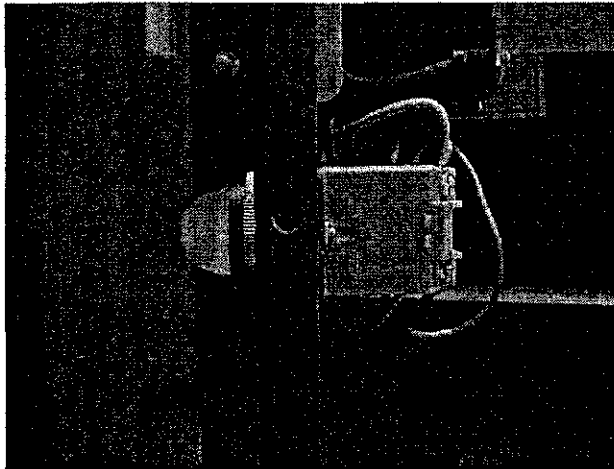
December 23, 2002

Mr. Mark Patricoski  
Guerard, Kalina and Butkus  
100 W. Roosevelt Rd.  
Suite A-1  
Wheaton, IL 60187

RE: Jays Foods LLC v. ComEd, ICC Complaint No. 2002-328175

Dear Mark:

I have reviewed the ComEd letter dated 12/19/02 from Richard Bernet. The transformers that he is inquiring about are NOT the types of transformers I believe he thinks they are. They are actually pilot lights that have a mini transformer on them allowing a 6.3 v lamp to operate in a 480 V cabinet. They have absolutely nothing to do with the over billing issue in contention and have no effect on the meter or demand. Please find below photos sent by Rex Lowrance as well as his description of the lights.



*E-mail from Rex Lowrance 12/23/02*

*David,*

*I was afraid the word "Transformer" was the wrong word to use with them, I should have just said pilot light because that is all it really is. It is the part of the pilot light that allows the use of a 6.3 volt bulb on a 480 volt circuit. Anyway, the information is:*



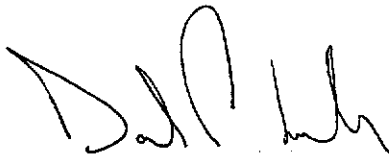
Manufacturer-"idec"  
Part Number - TWD-0486  
We ordered from Steiner Electric

*I have enclosed a picture of the back with part number and a side view so anyone can see it is a part of the pilot light. When I measured the voltage on the back of the unit prior to changing out the two transformers, the voltage read 279V & 285V between the read wire and the green wire, so the transformers were open, not shorted.*

Rex

I hope this information will help ComEd move along in this process and refund the appropriate funds to Jays Foods.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Patricoski', with a stylized flourish at the end.

David Patricoski, President  
LaSalle Associates, Inc.



Business Services  
Company

Legal Services  
Business Services Company  
10 South Dearborn Street, 35<sup>th</sup> Floor  
Chicago, IL 60603

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December 19, 2002

**Via Facsimile 630-690-9652**

Mark Patricoski  
Guerard, Kalina and Butkus  
100 W. Roosevelt Rd.  
Suite A-1  
Wheaton, IL 60187

**RE: Jay Foods LLC v. Commonwealth Edison Company  
ICC Informal Complaint No. 2002-328175**

Dear Mr. Patricoski:

I am in receipt of your December 19<sup>th</sup> letter. ComEd personnel visited Jays' facility yesterday. We understand that two transformers were replaced by Jays in early December. In connection with our evaluation of the claim, it is important for us to know why the transformers were replaced. We would also appreciate the opportunity to inspect the old transformers. Please advise if Jays has performed any other work on its electrical system in the last 60 days. Finally, please provide any other data that supports this claim.

Sincerely,

Richard G. Bernet  
Assistant General Counsel, Regulatory

Fox

**Exelon**<sup>SM</sup>Business Services  
Group

Date: December 19, 2002

To: Mark Patricoski

Fax: 630-690-9652

## Transmittal Sheet Plus 1 Page

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From: Richard Bernet

Location: Legal Services, 35<sup>th</sup> Floor  
10 South Dearborn Street  
P.O. Box 805379  
Chicago, IL 60680-5379  
35 SW CHQ - Legal

Telephone: (312) 394-3623

Fax No: (312) 394-3950

Email: [richard.bernet@exeloncorp.com](mailto:richard.bernet@exeloncorp.com)**MESSAGE:****Please see attached letter re: Jays Foods.**